

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO: ALL WAVE 5 CASES AND THOSE ON ATTACHED EXHIBIT A	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PLAINTIFFS' MOTION TO EXCLUDE OR OTHERWISE LIMIT
THE OPINIONS AND TESTIMONY OF DEFENSE EXPERT MARSHALL
SHOEMAKER, M.D.**

COMES NOW Plaintiffs in actions listed on attached Exhibit A, by and through the undersigned attorneys, and files Plaintiffs' Motion to Exclude, or in the Alternative, to Limit the Opinions and Testimony of Marshall Shoemaker, M.D. and would respectfully show the Court that Dr. Shoemaker should be excluded for the following reasons:

1. Dr. Shoemaker is not qualified to offer general opinions on transvaginal mesh devices, including opinions related to safety and efficacy, adequacy of the warnings and IFUs, design and material properties of Ethicon's TVT, TVT-O, TVT Abbrevio, TVT Exact midurethral slings, Gynecare Prolift Pelvic Floor Repair Systems, Gynecare PS Transvaginal Mesh, Prolift+M, and Prosima devices.
2. Dr. Shoemaker is not qualified to offer general opinions on complications associated with these products compared to other surgical options to treat SUI conditions and Pelvic Organ Prolapse, nor is Dr. Shoemaker qualified to offer general opinions

related to the design and performance of these products, position statements concerning the safety of these devices made by Ethicon, professional societies, or the FDA, opinions concerning cytotoxicity or degradation of polypropylene material, and opinions stipulating that polypropylene sling products are the standard of care or state of the art for treating stress urinary incontinence.

3. Dr. Shoemaker's opinions are unreliable because he failed to use a reliable, scientific methodology when formulating his opinions in these cases.
4. In support of this motion, Plaintiffs have submitted a memorandum of law and also rely upon the following attached exhibits:
 - a. A true copy of Dr. Marshall Shoemaker's, defendants' disclosed gynecology expert, General Expert Report on Gynemesh PS, Prolift, Prolift+M, and Proisma dated June 1, 2017, is attached hereto as Exhibit B
 - b. A true copy of Dr. Marshall Shoemaker's, defendants' disclosed gynecology expert, General Expert Report on Gynecare TVT, TVT-O, TVT-Abbrevio, and TVT-Exact dated June 1, 2017, is attached hereto as Exhibit C
 - c. A true copy of excerpts of the General Deposition of Dr. Marshall Shoemaker dated July 21, 2017, is attached hereto as Exhibit D
 - d. A true copy of excerpts of the General Deposition of Dr. Marshall Shoemaker dated July 22, 2017, is attached hereto as Exhibit E
 - e. A true copy of Dr. Marshall Shoemaker's General Reliance list attached hereto as Exhibit F
 - f. A true copy of Dr. Marshall Shoemaker's Supplemental Reliance list attached hereto as Exhibit G

g. A true copy of Dr. Steven Goldwasser's Curriculum Vitae is attached hereto as Exhibit H.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court grant their Motion To Exclude Or Otherwise Limit The Opinions and Testimony of Defense Expert Marshall Shoemaker, M.D. Additionally, Plaintiffs request all other and further relief to which they may be justly entitled.

Dated: August 14, 2017.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing document August 15, 2017, using the Court's CM-ECF filing system, thereby sending notice of the filing to all counsel of record in this matter.

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